



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Monticello Field Office
P.O. Box 7
Monticello, Utah 84535
<http://www.blm.gov/utah/monticello>



JUN 22 2005

IN REPLY REFER TO:

UTU-69775
(UT-090)

Mr. Kyle Kimmerle
Kimmerle Mining LLC
4056 Beeman Road
Moab, Utah 84532

Re: Acceptance of Notice of Intention to Conduct Exploration Operations, Kimmerle Mining LLC, Neighbor Mine, UTU-69775, East Canyon, San Juan County, Utah

Dear Mr. Kimmerle:

The subject exploration notice and amendment to the notice were received in our office on June 2, 2005. The notice was assigned serial number UTU-69775. Please refer to this number in all future correspondence. We have completed our review of the notice and determined that it meets the filing requirements of BLM regulations at 43 CFR 3809 and 3710. We have done all necessary resource clearances (i.e., archaeology, T&E species, etc.) and have determined that your proposed operations, with reasonable measures, would not cause unnecessary or undue degradation to public lands or resources and would be reasonably incident to prospecting. Therefore, this letter acknowledges receipt and acceptance of the subject notice.

Acceptance of this notice is contingent on adherence to all applicable laws and regulations of other local, state and Federal agencies having jurisdiction over this matter, including compliance with the requirements of the State of Utah Mined Land Reclamation Act which is administered by the State of Utah, Division of Oil, Gas and Mining (UDOGM). Acceptance of this notice will not now, or in the future serve as a determination of the validity of any mining claim to which it may relate. Acceptance of this notice does not authorize access across private or state land. If land ownership is in question, it is the operator's responsibility to ensure legal access.

A financial guarantee (bond) sufficient to cover the cost of reclamation is required before operations can begin. The reclamation bond must be accepted by this office and the UDOGM. The UDOGM will serve as the lead agency, and will work directly with you, in determining the bond amount and type.

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DIV. OF OIL, GAS & MINING

I would like to stress that Federal regulations at 43 CFR 3809 require that you reclaim all surface disturbance and take reasonable measures to prevent unnecessary or undue degradation of the Federal lands during your operations. To meet this standard, the following operating measures should be included:

- 1) Prior to beginning exploration operations in an existing underground mine, the operator should enter the mine and look for bats. If bats are found in a group(s) of ten or more, the operator should immediately stop work in vicinity of the bats and notify the local BLM office and the UDOGM, Minerals Reclamation Program. The authorized officer will do the necessary surveys and, will evaluate the situation and notify the operator within ten days of any measures needed to protect the bats.
- 2) Swallows are currently nesting a short distance inside the existing mine adit. In order to meet requirements under the Migratory Bird Act, all exploration operations inside the mine or immediately outside the mine portal should be postponed until July 1, 2005. This should allow young birds enough time to fledge.

You must notify this office prior to final abandonment of the site so an inspection of reclamation can be done. If you have any questions, please contact Ted McDougall of my staff at (435) 587-1512.

Sincerely,



Sandra A. Meyers
Field Office Manager

cc:

Paul Baker
State of Utah
Department of Natural Resources
Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, UT 84114-5801